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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

C.F.C., minor, by and through  
CHRISTINE F., his parent and  
guardian, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

POWER BALANCE LLC; a Delaware  
Limited Liability Company.

Defendants.

**NATIONWIDE CLASS ACTION**

CASE NO. 3:11-CV-00487-EMC

Hon. Edward M. Chen

**JOINT STIPULATION  
REGARDING REQUEST FOR  
CONTINUED STAY OF CASE  
PENDING COURT  
CONSIDERATION OF WHETHER  
TO GRANT FINAL APPROVAL OF  
THE NATIONWIDE CLASS  
SETTLEMENT IN THE  
BATUNGBACAL ACTION AND  
~~PROPOSED~~ ORDER**

**IT IS SO ORDERED AS MODIFIED**

**Complaint filed: February 1, 2011  
Trial Date: None Set**

**JOINT STIPULATION**

Plaintiff C.F.C., minor, by and through Christine F., his parent and guardian (“Plaintiff”) and Power Balance LLC (“Defendant”) stipulate as follows:

WHEREAS, on March 25, 2011, a nationwide class settlement agreement (“class settlement”) was filed by plaintiff Andre Batungbacal in the action styled *Batungbacal v. Power Balance LLC, et al.*, SACV11-00018 CJC (MLGx), pending in the Central District of California before the Honorable Cormac C. Carney (the “*Batungbacal* Action”) (*Batungbacal* Dkt. No. 9);

WHEREAS, on April 27, 2011, the Court in the *Batungbacal* Action granted preliminary approval of the class settlement (*Id.* at No. 36);

WHEREAS, on May 27, 2011 this Court granted Defendant’s unopposed motion to stay the case until after the *Batungbacal* Court issued a ruling regarding final approval of the proposed nationwide class settlement (Dkt. No. 20);

WHEREAS, on June 20, 2011, due to concerns over Power Balance’s financial condition, the Court in the *Batungbacal* Action vacated its preliminary approval of the class settlement and gave the parties sixty (60) additional days to conduct discovery and determine if a new settlement could be effectuated (*Batungbacal* Dkt. No. 62);

WHEREAS, over the next several months, the parties in the *Batungbacal* Action engaged in discovery and negotiations to reach a new class settlement;

1 WHEREAS, on September 22, 2011, the parties in the *Batungbacal* Action  
2 filed a new nationwide class action settlement agreement and Plaintiff filed a  
3 renewed motion for preliminary approval (*Id.* at No. 69);  
4

5 WHEREAS the hearing on Plaintiff's motion for preliminary approval of the  
6 class settlement in the *Batungbacal* Action is set for November 21, 2011;  
7

8 WHEREAS, the allegations and claims made in the *Batungbacal* Action are  
9 similar to certain allegations in this action and it is Defendant's position that, if  
10 final approval of the nationwide class settlement in the *Batungbacal* Action is  
11 granted, it will release and have preclusive effect over the putative class'  
12 allegations and claims in this action;  
13

14 WHEREAS, in light of the nationwide class settlement and pending motion  
15 for preliminary approval in the *Batungbacal* Action, and the possible impact of  
16 those proceedings on this action, the Parties hereby request that this Court continue  
17 the stay of this action for a period sixty (60) days pending the outcome of the  
18 preliminary approval hearing on November 21, 2011;  
19

20 WHEREAS, if *Batungbacal* Court grants preliminary approval of the  
21 nationwide class settlement, the Parties will thereafter file a request to renew the  
22 stay of this action pending the outcome on final approval of the *Batungbacal* class  
23 action settlement.  
24

25 Accordingly, it is hereby stipulated and agreed that all deadlines imposed by  
26  
27  
28

1 the Federal Rules of Civil Procedure or Local Rules of Civil Procedure be stayed  
2 in this action for a period of sixty (60) days from the date of entry of the Order  
3 granting this Joint Stipulation.  
4

5  
6 Dated: October 18, 2011

DORSEY & WHITNEY LLP

By: /s/ Kate J. Santon

Steven D. Allison

Sarah K. Shaholli

Kate J. Santon

Attorneys for Defendants

11 Dated: October 18, 2011

LEXINGTON LAW GROUP

By: /s/ Mark Todzo

Mark Todzo

Attorneys for Plaintiff

15  
16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The Case Management Conference set for 11/04/2011 is continued to **12/16/2011 at 9:00 a.m.**

18 Dated: October 19, 2011

By: \_\_\_\_\_

